

DEC 30 2018

AO 91 (Rev 8/01) Criminal Complaint

David J. Bradley, Clerk

## United States District Court

SOUTHERN

DISTRICT OF  
McALLEN DIVISION

TEXAS

UNITED STATES OF AMERICA

V.

## CRIMINAL COMPLAINT

Francisco Humberto Ayala-Garcia

Case Number: M-18-2669-M

AKA: Francisco Humberto Ayala

IAE YOB: 1979

MEXICO

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my

knowledge and belief. On or about December 28, 2018 in Hidalgo County, inthe Southern District of Texas

(Track Statutory Language of Offense)

being then and there an alien who had previously been deported from the United States to Mexico in pursuance of law, and thereafter was found near Mission, Texas, within the Southern District of Texas, the Attorney General of the United States and/or the Secretary of Homeland Security, not theretofore having consented to a reapplication by the defendant for admission into the United States;

in violation of Title 8 United States Code, Section(s) 1326 (Felony)

I further state that I am a(n) Senior Patrol Agent and that this complaint is based on the following facts:

Francisco Humberto Ayala-Garcia was encountered by Border Patrol Agents near Mission, Texas on December 28, 2018. The investigating agent established that the Defendant was an undocumented alien and requested record checks. The Defendant claims to have illegally entered the United States on December 28, 2018, near Hidalgo, Texas. Record checks revealed the Defendant was formally Deported/Excluded from the United States on May 11, 2018 through Del Rio, Texas. Prior to Deportation/Exclusion the Defendant was instructed not to return to the United States without permission from the U.S. Attorney General and/or the Secretary of Homeland Security. On July 28, 2017 the defendant was convicted of 8 USC 1326 Illegal Re-Entry and was sentenced to seventeen (17) months confinement.

I declare under penalty of perjury that the statements in this complaint are true and correct. Executed on December 30, 2018.

Continued on the attached sheet and made a part of this complaint:

☐ Yes ☒ No

Submitted by reliable electronic means, sworn to and attested telephonically per Fed. R. Cr.P.4.1, and probable cause found on:

Sworn to before me.

December 30, 20184:14 p.m.Peter E. Ormsby, U.S. Magistrate Judge

Name and Title of Judicial Officer

/s/ Carlos A. Sanchez

Signature of Complainant

Carlos A. SanchezSenior Patrol AgentPeter E. Ormsby

Signature of Judicial Officer